



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
Aida Feliciano, RN	:	FINAL ORDER
License # 26NO07456200	:	OF DISCIPLINE
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Aida Feliciano ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 28, 2013, Respondent completed and submitted an online biennial renewal application. Respondent

was asked on the biennial renewal application whether Respondent would have "completed the required continuing education credits by May 31, 2013," referring to the biennial renewal period of June 1, 2011 to May 31, 2013. Respondent answered "Yes" and certified that answer by submitting the online application.

3. Upon receipt of information indicating that Respondent's employment was terminated by Bayada Home Health Care on July 3, 2013 for professional misconduct relating to patient care and safety, the Board sent a letter of inquiry requesting certain information and documents regarding the allegations of professional misconduct, Respondent's nursing practice, and proof of continuing education to Respondent's address of record in Pleasantville, New Jersey, via regular and certified mail on or about October 10, 2013. It was alleged that Respondent documented multiple visits that did not occur at all or did not occur as documented.

4. On or about November 4, 2013, the Board received Respondent's reply to the Board's inquiry. Respondent admitted that she visited her clients up to one week before or after the exact date as documented. In an attempt to demonstrate that she made regular visits to patients, Respondent attached forty identical one sentence form letters purportedly signed by her clients which state as follows "To Whom This May Concern: When I

was a client for Bayada Nurses Nurse Feliciano was my nurse and she visited me Every 1-2 months. Thank you (signature)". Similarly, Respondent submitted twenty-two identical form letters signed by Certified Homemaker Home Health Aides ("CHHA") which state "To Whom this may concern: I worked for bayada nurses for many years and nurse Feliciano was my supervisor and she supervised me with all my clients every month (signature)." An example of one of each form of letter is attached.

5. Regarding required continuing education, Respondent maintained that her former employer denied her access to continuing education units and would not allow her to attend continuing education conferences or courses. Respondent submitted documentation indicating that she may have completed some employer required in-service training with a new employer. However, none of the documentation submitted by Respondent pertains to courses approved or accredited as continuing education for nurses.

CONCLUSIONS OF LAW

Based upon Respondent's failure to accurately and truthfully document visits when they actually occurred, the Board finds that Respondent has engaged in professional misconduct pursuant to N.J.S.A. 45:1-21(e) and the use or

employment of misrepresentation pursuant to N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Regarding continuing education, pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2011 to May 31, 2013. The Board finds no merit in Respondent's contention that she was "not allowed" to take continuing education. Respondent's employer could not stop Respondent from taking online continuing education courses on her own time and at her own expense. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing

education information constitutes an additional violation of N.J.S.A. 45:1-21(b), subjecting Respondent to further sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 1, 2015, provisionally suspending respondent's nursing license and imposing a reprimand and a \$250 civil penalty, and ordering the completion of an ethics course and a documentation course, kboth to be pre-approved by the Board. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, via her attorney. Respondent sent in documentation of completion of thirty contact hours of qualifying continuing education on April 4, 2015, and an additional thirty contact hours of continuing education completed in May of 2015. Respondent has therefore

demonstrated that she has completed her required continuing education obligation for the 2011-2013 and 2013-2015 licensing cycles, and suspension of her nursing license is no longer applicable. However, as the continuing education for the 2011-2013 was not completed until 2015, the Board found that the \$250 penalty for failure to timely complete continuing education and the reprimand for misrepresentation as to the status of continuing education set forth on the 2013 renewal application are both warranted.

With respect to the alleged failure to accurately and truthfully document visits, respondent contests this, stating that her recordkeeping accurately reflected the date on which respondent actually made each visit, although the date of the visit may have differed from the date originally scheduled by her employer, Bayada. The Board therefore withdraws any findings of professional misconduct and misrepresentation which relate to these allegations, as they have not been substantiated. However, as respondent indicates she agrees to completion of a course in ethics and in documentation, the Board includes these courses in finalization of the Provisional Order.

ACCORDINGLY, IT IS on this 26th day of June, 2015,
ORDERED that:

1. A reprimand is imposed on Respondent for engaging in misrepresentation in the continuing education information provided on her 2013 license renewal application.

2. Within two months of the filing of this order, Respondent shall successfully complete Board-approved courses in

a. ethics, and

b. documentation.

Respondent shall secure pre-approval from the Board before enrolling in any course. These courses shall be in addition to the courses required as continuing education and shall not count as continuing education. Respondent shall submit written proof of satisfactory completion of these courses to the Board within one week of completion.

3. Respondent is assessed a civil penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the

date of filing of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN
Patricia Murphy, PhD, APN
Board President